



State of New Jersey

Department of Environmental Protection

Bradley M. Campbell
Commissioner

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Governor

Land Use Regulation Program
P. O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 777-3656
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JAN 07 2004

Joseph Sweger
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625

RE: Authorization for Freshwater Wetlands Statewide General Permit 10A

LURP File No.: 1810-03-0024.1 FWW 030001

Applicant: Mr. Joseph Sweger
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625

Statute: N.J.S.A. 13:9B-1 et seq.

Location: Amwell Road (CR 514) over Conrail
Township of Hillsborough, Somerset County
Millstone River Watershed

Dear Mr. Sweger:

The Land Use Regulation Program has reviewed the referenced application for Freshwater Wetlands Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by Freshwater Wetlands Statewide General Permit # 10A, which allows upgrading of existing roads and attendant features in freshwater wetlands where the activities are limited to 100 feet or less for each crossing of freshwater wetlands and/or State open waters; and the cumulative disturbance of freshwater wetlands, transition area, and State open waters onsite is limited to 0.25 acres or less.

Limit of Authorized Disturbance

Based on plans, Twenty-three (23) sheets, entitled: "Plans of Amwell Road (County Route 514) Over Conrail from the vicinity of Steinmetz Road to the vicinity of Clerico Lane Contract No. 014961917 Grading, Paving, and Structures", dated September 8, 2003 and prepared by Edward F. Sitler, P.E., the authorized activity involves permanent and temporary disturbances

of wetland transition areas for the realignment of Amwell Road to facilitate a bridge replacement for the crossing of the CSX Rail Line approximately 180 feet south of the existing crossing. Any additional disturbance of freshwater wetlands or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

Special Conditions

- 1) The total amount of disturbance associated with this authorization shall not exceed 0.055 acres of temporary disturbance and 0.062 acres of permanent disturbance to freshwater wetland transition areas.
- 2) Any discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill material.
- 3) Landscaping shall be provided with a woody vegetative buffer that includes tree species to provide a visual buffer between the proposed structure and nearby historic resource located on Block 199, Lot 34 in Hillsborough Township.

In addition to the conditions noted at N.J.A.C. 7:7A 9.2 and 9.3, the following general conditions must be met for the activity authorized under these Statewide General Permits:

General conditions:

- 1) All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
- 2) This permit is revocable in accordance with NJDEP regulations and State law.
- 3) The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
- 4) The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.

- 5) No change in plans or specifications shall be made except with the prior written permission of the Department.
- 6) The granting of this authorization shall not be construed in any way to affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
- 7) This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
- 8) A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
- 9) The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Enforcement, NJDEP (P.O. Box 401, 4th Floor, Trenton, NJ 08625-0401) with written notification 7 days prior to the start of the authorized work.
- 10) This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

Water Quality Certificate:

This letter of authorization to conduct a regulated activity in a wetland or open water includes the Program's approval of a Water Quality Certificate for these activities.

Transition Area

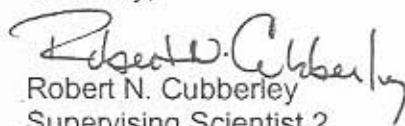
The wetlands associated with the transition areas affected by this permit authorization are of intermediate resource value and the standard transition area or buffer required adjacent to it is 50 feet. This transition area waiver allows encroachment only in the portions of the transition areas that have been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within standard transition areas shall require a separate transition area waiver from the Program. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

Appeal of Decision

Any interested party who considers himself or herself aggrieved by this permit decision may request a hearing by addressing a written request for such hearing to the following address: Office of Legal Affairs, Department of Environmental Protection and Energy, P.O. Box 402, Trenton, NJ 08625-0402, Attention: Adjudicatory Hearing Requests.

If you have any questions regarding this Freshwater Wetlands Statewide General Permit authorization, please contact William Mc Laughlin of my staff at the address above, phone (609) 984-0195, or email (William.McLaughlin@dep.state.nj.us). Please reference the permit file number in any communication concerning this action.

Sincerely,


Robert N. Cubberley
Supervising Scientist 2
Land Use Regulation Program

Attachment (approved plans)

WMcL

C:	w/att	Section Chief, Somerset County Hillsborough Municipal Clerk Hillsborough Planning Board
	W/o att	Somerset County Planning Board Andrea Tingey, SHPO